

# **EXHIBIT I**

**In the Matter Of:**

*Henry vs*

*Brown University*

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*JOHN MCLAUGHLIN*

*July 12, 2023*

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		Page 1	Page 3
1	IN THE UNITED STATES DISTRICT COURT		
2	NORTHERN DISTRICT OF ILLINOIS		
3	EASTERN DIVISION		
4	- - -		
5	HENRY, et al, :		
6	Plaintiffs, : CASE NO.		
		: 1:22-CV-00125	
7	v. :		
8	BROWN UNIVERSITY, et : al, :		
9			
10	Defendants. :		
11	- CONFIDENTIAL -		
12	ATTORNEYS' EYES ONLY		
13	- - -		
14	July 12, 2023		
15	- - -		
16	Final transcript without Confidentiality Designations		
17	Videotaped deposition of		
18	JOHN McLAUGHLIN, Ed.D., taken pursuant to		
19	notice, was held at the Doubletree Hilton		
20	Utica, 102 Lafayette Street, Utica, New		
21	York, beginning at 9:03 a.m., on the		
22	above date, before Michelle L. Gray, a		
23	Registered Professional Reporter,		
24	Certified Court Reporter, Certified		
	Realtime Reporter, and Notary Public.		
	- - -		
		Page 2	Page 4
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2			
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10	Trustees of the University of		
11	Pennsylvania, University of		
12	Pennsylvania		
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<p>1                   (Whereupon, a discussion was 2       held off the record.)</p> <p>3 BY MR. RAYMAR:</p> <p>4       Q. To your knowledge, during 5 your tenure at Penn, did anyone at Penn 6 evaluate a potential applicant, or 7 applicant's family's financial 8 circumstances for potential donations?</p> <p>9       A. No. No. We -- in interest 10      in trying to bring in students from lower 11      income backgrounds, we would be attentive 12      to things that we might see in the 13      application like they are a 14      First-Generation student. The parents 15      didn't go to college. Or that they 16      applied using a fee waiver, because they 17      are on public housing or public 18      assistance.</p> <p>19               And in our interest to try 20      and bring in more students from lower 21      income backgrounds, that contextual 22      information is helpful to us.</p> <p>23               But for those students and 24      for all students, we didn't have any</p>	<p>Page 153</p> <p>1                   <b>THE WITNESS: I don't know.</b></p> <p>2 BY MR. RAYMAR:</p> <p>3       Q. Are you familiar with the 4 term "need-blind" from your tenure at 5 Penn?</p> <p>6       A. Can you tell me in what -- 7 what definition are you using for the 8 term?</p> <p>9       Q. Well, I was going to ask you 10 what definition Penn was using for the 11 term.</p> <p>12               So let's start off with, at 13 Penn, did you hear the term "need-blind"?</p> <p>14       A. We did. And the way we 15 would interpret it, the way I would 16 interpret it, is that a student's 17 financial circumstances would not be -- a 18 student's financial circumstances would 19 not be -- have an adverse impact on their 20 application.</p> <p>21               So a student with 22 significant financial need, a low income 23 student, a First-Generation student, that 24 this is not something that we would --</p>
<p>Page 154</p> <p>1 specific information about financial 2 circumstances. The financial aid 3 application and everything that's 4 associated with that was completely 5 separate from what we would see in the 6 admission application.</p> <p>7       Q. All right. Let me go back 8 and ask the same question in a slightly 9 different way.</p> <p>10       At Penn, during your tenure, 11 did -- to your knowledge, did anyone 12 evaluate applicants, or potential 13 applicants, for the purpose of 14 determining whether the applicant's 15 family was a good candidate for making 16 donations to Penn --</p> <p>17       MR. GRINGER: Object to 18 form.</p> <p>19 BY MR. RAYMAR:</p> <p>20       Q. -- quite aside from paying 21 for the cost of their child or grandchild 22 attending Penn?</p> <p>23       MR. GRINGER: Object to 24 form. Compound.</p>	<p>Page 155</p> <p>1               <b>that would negatively impact their 2 application review.</b></p> <p>3       Q. And using that definition of 4 need-blind, during your tenure was Penn 5 need-blind with respect to applications 6 to the four schools you listed?</p> <p>7       MR. GRINGER: Object to 8 form.</p> <p>9               <b>THE WITNESS: Yes. We were 10 need-blind for U.S. citizen and 11 permanent residents, Canadian 12 citizen and permanent residents, 13 Mexican citizen and permanent 14 residents.</b></p> <p>15               <b>We were need-aware for those 16 four schools for international 17 citizens of other nations.</b></p> <p>18               <b>So for students from -- that 19 fall into that category, going 20 back to the earlier definition of 21 foreign financial aid, those 22 students would be considered under 23 a need-aware framework, which 24 means that it was -- it was more</b></p>

<p>1 Q. I'm sorry, did I cut you 2 off?</p> <p>3 A. No.</p> <p>4 MR. GRINGER: Go ahead.</p> <p>5 BY MR. RAYMAR:</p> <p>6 Q. Every year your target was 7 to have 2400 undergraduate admits, right?</p> <p>8 A. In recent years, yes. Our 9 goal was to have 2400 -- not admits, 10 2400 enrolled students.</p> <p>11 Q. I'm sorry, you're right. I 12 stand corrected. Sorry.</p> <p>13 So about how many students 14 would be put on the waitlist each year?</p> <p>15 MR. GRINGER: Objection.</p> <p>16 Asked and answered.</p> <p>17 <b>THE WITNESS: It varies from 18 year to year. And I can't 19 remember a specific year or a 20 specific number.</b></p> <p>21 <b>In recent years, we might 22 put somewhere between 2 and 3,000 23 people on the waitlist.</b></p> <p>24 BY MR. RAYMAR:</p>	<p>1 her. She was my admission officer 2 at Penn.</p> <p>3 BY MR. RAYMAR:</p> <p>4 Q. When you got admitted to 5 Penn?</p> <p>6 A. Yes. She reviewed my 7 application. And she was one of my first 8 supervisors when I was starting at Penn 9 and Penn admissions. She subsequently 10 left and went to, I think, Franklin &amp; 11 Marshall College, and more recently has 12 been operating as a college consultant, 13 you know, has a consulting business.</p> <p>14 Q. So I'm going to read you a 15 quotation from her and ask your reaction 16 to it.</p> <p>17 "When I worked as the 18 associate dean of admissions at the 19 University of Pennsylvania, a need-blind 20 institution, the office was not 21 forthright about the fact that needing 22 financial aid kept a student from being 23 considered or admitted from the 24 waitlist."</p>
<p>1 Q. And about how many transfer 2 students did Penn take every year?</p> <p>3 MR. GRINGER: Objection.</p> <p>4 Overbroad.</p> <p>5 <b>THE WITNESS: Again, it 6 would vary for the same -- for the 7 same reasons.</b></p> <p>8 <b>Every year is different. 9 Application pool is different. 10 The number of students we admit. 11 Yield is different.</b></p> <p>12 <b>Most years we might admit 13 somewhere between 150 and 14 200 transfer students.</b></p> <p>15 BY MR. RAYMAR:</p> <p>16 Q. Do you know the name Sara 17 Harberson?</p> <p>18 A. I do know that name. I do.</p> <p>19 Q. And who do you know that 20 person to be?</p> <p>21 MR. GRINGER: Objection.</p> <p>22 Vague.</p> <p>23 <b>THE WITNESS: She -- I have 24 a couple of relationships with</b></p>	<p>1 Is that accurate to your 2 knowledge?</p> <p>3 A. No. It doesn't reflect my 4 experience in working at Penn and seeing 5 how we work through the waitlist.</p> <p>6 You know, Sara, in her -- in 7 her present role, she makes money by 8 sensationalizing admissions, and, you 9 know, I don't think that's a fair 10 representation of the work that I've done 11 during my time at Penn.</p> <p>12 Q. In your time at Penn, has 13 the president's office, to your 14 knowledge, ever asked the admissions 15 office to move a waitlisted applicant to 16 admit?</p> <p>17 A. Never. I've never heard or 18 seen that.</p> <p>19 Q. And to your knowledge, 20 during your tenure at Penn, has the 21 development office ever asked that an 22 applicant be moved from the waitlist to 23 admit status?</p> <p>24 A. I've never heard or seen</p>

1 <b>that.</b> 2            MR. RAYMAR: Give me Tab 52. 3            (Document marked for 4            identification as McLaughlin 5            Exhibit 23.) 6   BY MR. RAYMAR: 7            Q. It may make sense to take a 8   look at this from the bottom to the top. 9   But you're entitled to look at it in 10 whatever order you'd like to. 11          And my question is going to 12 be, do you know anything about this set 13 of e-mails? 14 <b>A. No. It's not familiar to</b> 15 <b>me.</b> 16          Q. And were the circumstances, 17 or the incident, or the vignette, or the 18 anecdote, or whatever you want to call 19 it, familiar to you from hearing about it 20 in the admissions office at Penn? 21        MR. GRINGER: Objection. 22          Too many objections to list to 23 that one. 24 <b>THE WITNESS: I've never</b>	Page 165  1           on the record. 2   BY MR. RAYMAR: 3            Q. And I show the witness 4            McLaughlin 24, and ask if you recognize 5            this document, which is Sheet 1 of a 6            multi-sheet document. 7        MR. GRINGER: You know, I'm 8            just going to object for the 9            record. This -- since it seems to 10           start at Column S, that there's a 11           lot of this document cut off. I'm 12           not even talking about there's 13           lots of rows cut off. There 14           appears to be lots of columns cut 15           off. 16          MR. RAYMAR: That appears to 17           be correct. Because it was too 18           wide to do anything with. But the 19           record reflects it. 20        MR. GRINGER: Yep. Exactly. 21 <b>THE WITNESS: I don't</b> 22 <b>recognize this document.</b> 23 BY MR. RAYMAR: 24        Q. And when you click, I
1 <b>seen this before.</b> 2   BY MR. RAYMAR: 3            Q. Or heard of an exchange that 4            bears some resemblance to this? 5        MR. GRINGER: Object to 6           form. 7 <b>THE WITNESS: No.</b> 8        MR. RAYMAR: Do we have a 9           copy of this? Tab 68. 10          162147. Sheet 1. 11           (Document marked for 12           identification as McLaughlin 13           Exhibit 24.) 14        MR. RAYMAR: Do we have to 15           wait for something mechanically to 16           happen now? 17          Why don't we go off the 18           record for five minutes. 19        THE VIDEOGRAPHER: The time 20           is now 2:12. We're going off the 21           record. 22          (Short break.) 23        THE VIDEOGRAPHER: The time 24           is now 2:28 p.m. We're now back	Page 166  1           believe it's on the letters, at the top 2           of the columns -- 3        MS. SCHUSTER: In between 4           the two columns, if you 5           double-click. 6   BY MR. RAYMAR: 7            Q. I'll represent to you that 8           it expands, and the yellow boxes either 9           appear or don't appear -- 10        MR. GRINGER: This is a 11           black and white copy. 12           How can you tell it's 13           yellow? 14 <b>THE WITNESS: Oh.</b> 15        MR. RAYMAR: Do you have -- 16           do you have it expanded or not? 17        MR. GRINGER: I just have 18           what you gave me. 19        MR. RAYMAR: Yes. These 20           expand. 21        MR. GRINGER: Okay. 22 <b>THE WITNESS: Okay.</b> 23        MR. RAYMAR: On my copy, 24           they are yellow. I don't know how

<p style="text-align: right;">Page 229</p> <p>1 last entry of FERPA/PII REDACTION 2 Page 66, you don't recognize any of the 3 names?</p> <p><b>4 A. I don't recognize any of 5 these names.</b></p> <p>6 MR. RAYMAR: I may not have 7 anything else. I ask -- I'm going 8 to go off the record with Sara 9 just to double-check.</p> <p>10 THE VIDEOGRAPHER: The time 11 is now 4:39 p.m. We're now going 12 off the record.</p> <p>13 (Short break.)</p> <p>14 THE VIDEOGRAPHER: The time 15 is 4:54 p.m. We're on the record.</p> <p>16 MR. RAYMAR: Let the record 17 reflect that plaintiffs have no 18 further questions at this time.</p> <p>19 I think we have an hour and 20 20 minutes left.</p> <p>21 MR. GRINGER: I don't think 22 you have that much time.</p> <p>23 How much time does he have?</p> <p>24 MR. RAYMAR: He said 5:40.</p>	<p style="text-align: right;">Page 231</p> <p>1 maybe watching in the future in the 2 courtroom, it's been quite warm in here 3 today. So I appreciate your patience. 4 And I won't ask you any architectural 5 design questions, so you have that 6 commitment from me over the next few 7 minutes.</p> <p>8 So, just so we can remind 9 the court and the jury, where do you work 10 today?</p> <p><b>11 A. I currently work at Hamilton 12 College.</b></p> <p>13 Q. Where -- where is Hamilton 14 College?</p> <p><b>15 A. Hamilton College is located 16 in Clinton, New York.</b></p> <p>17 Q. And do you live near 18 Hamilton College now?</p> <p><b>19 A. Yes. I currently rent an 20 apartment in Clinton.</b></p> <p>21 Q. And to your knowledge, is 22 Clinton, New York, more than 100 miles 23 from the city of Chicago, Illinois?</p> <p><b>24 A. Yes.</b></p>
<p style="text-align: right;">Page 230</p> <p>1 MR. GRINGER: At the last 2 break it was 5:30.</p> <p>3 MR. RAYMAR: Yeah, because 4 he said he --</p> <p>5 THE VIDEOGRAPHER: I had 6 estimated.</p> <p>7 MR. GRINGER: All right. 8 Well, whatever.</p> <p>9 MR. RAYMAR: And so I 10 reserve the hour and 20 minutes in 11 case Mr. Gringer causes me to ask 12 some follow-up cross.</p> <p>13 MR. GRINGER: All right. 14 The witness is mine.</p> <p>15 - - -</p> <p>16 EXAMINATION</p> <p>17 - - -</p> <p>18 BY MR. GRINGER:</p> <p>19 Q. Good afternoon, 20 Mr. McLaughlin, my name is David Gringer 21 I'm a lawyer for the University of 22 Pennsylvania in this case.</p> <p>23 And thank you for your time 24 today for those who aren't with us and</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. All right. And before you 2 worked at Hamilton College, you worked 3 at -- for my client, at the University of 4 Pennsylvania; is that right?</p> <p><b>5 A. That's correct.</b></p> <p>6 Q. And you also attended the 7 University of Pennsylvania, correct?</p> <p><b>8 A. I did.</b></p> <p>9 Q. About how many years, in 10 total, did you work for the University of 11 Pennsylvania?</p> <p><b>12 A. Over ten years.</b></p> <p>13 Q. And during that ten-year 14 period, your positions were all in 15 admissions; is that right?</p> <p><b>16 A. That's correct.</b></p> <p>17 Q. And at Hamilton, what is 18 your role?</p> <p><b>19 A. I am the associate vice 20 president for enrollment management and 21 the dean of admission.</b></p> <p>22 Q. And during the time that you 23 worked at the University of Pennsylvania, 24 about how many applications for</p>

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<p>1 undergraduate admission did you review?</p> <p>2     <b>A. Thousands.</b></p> <p>3     Q. More than 2,000?</p> <p>4     <b>A. More than 10,000.</b></p> <p>5     Q. More than 10,000.</p> <p>6         Of the more than 10,000</p> <p>7 applications you reviewed during your</p> <p>8 time at the University of Pennsylvania in</p> <p>9 the admissions office for more than ten</p> <p>10 years, how many otherwise unqualified</p> <p>11 applicants were admitted because of an</p> <p>12 actual or potential donation from one of</p> <p>13 their family members?</p> <p>14     <b>A. Zero.</b></p> <p>15     Q. Stepping back for a minute,</p> <p>16 Mr. Raymar asked you a lot of questions</p> <p>17 without, I think, sort of getting some</p> <p>18 basic facts in the record. And I want to</p> <p>19 just take a few minutes to do that now so</p> <p>20 the jury and the court can understand.</p> <p>21         This is a case proceeding in</p> <p>22 Chicago, so there may be people not as</p> <p>23 familiar with the university and with</p> <p>24 sort of its dynamic.</p>	<p>1     Q. And so when we talk about</p> <p>2 admissions generally, what does that</p> <p>3 mean?</p> <p>4     <b>A. Admission is the process of</b></p> <p>5 <b>recruiting, selecting, yielding the</b></p> <p>6 <b>incoming class for a university.</b></p> <p>7     Q. And for those who don't</p> <p>8 know, about how many applicants in a</p> <p>9 typical year would Penn receive to its</p> <p>10 undergraduate schools in total?</p> <p>11     <b>A. It varies from year to year.</b></p> <p>12     <b>In my experience between -- around --</b></p> <p>13 <b>between 50 and 60,000.</b></p> <p>14     Q. And does Penn admit everyone</p> <p>15 who applies?</p> <p>16     <b>A. No.</b></p> <p>17     Q. About how many students are</p> <p>18 admitted to Penn for undergraduate</p> <p>19 education each year?</p> <p>20     <b>A. In the last year that I was</b></p> <p>21 <b>there, it was around 6 percent.</b></p> <p>22     Q. So that's about, if I'm</p> <p>23 doing my math right, a little more than</p> <p>24 2400?</p>
Page 234	Page 236
<p>1         So, first, what is the</p> <p>2 University of Pennsylvania?</p> <p>3     <b>A. The University of</b></p> <p>4 <b>Pennsylvania is a private research</b></p> <p>5 <b>university located in Philadelphia.</b></p> <p>6 <b>10,000 undergraduate students, about</b></p> <p>7 <b>10,000 graduate students.</b></p> <p>8     Q. And Pennsylvania, University</p> <p>9 of Pennsylvania, Pennsylvania is a state,</p> <p>10 right?</p> <p>11     <b>A. Pennsylvania is a state.</b></p> <p>12 <b>The University of Pennsylvania is not a</b></p> <p>13 <b>public institution. Sometimes there's</b></p> <p>14 <b>confusion between Pennsylvania State</b></p> <p>15 <b>University, Penn State, and the</b></p> <p>16 <b>University of Pennsylvania.</b></p> <p>17     Q. And so for folks who know</p> <p>18 Chicago, you are familiar with the state</p> <p>19 school in Illinois, right, its name?</p> <p>20     <b>A. The University of Illinois?</b></p> <p>21     Q. Right. And so unlike the</p> <p>22 University of Illinois, Penn is not a</p> <p>23 state school?</p> <p>24     <b>A. That's correct.</b></p>	<p>1     <b>A. It's more than 2400.</b></p> <p>2     Q. Oh right.</p> <p>3     <b>A. 2400 is where we want to --</b></p> <p>4 <b>that's the number we want to enroll. We</b></p> <p>5 <b>need to admit more than 2400, because we</b></p> <p>6 <b>know not everyone is going to choose</b></p> <p>7 <b>Penn. So we admit, probably closer to</b></p> <p>8 <b>34, 35, in order to end up with 2400.</b></p> <p>9     Q. And why -- why do you have</p> <p>10 to admit more -- well, let me ask you</p> <p>11 this.</p> <p>12         If you don't get into Penn,</p> <p>13 does that mean you're not qualified to</p> <p>14 attend Penn?</p> <p>15     <b>A. No.</b></p> <p>16     Q. Why not?</p> <p>17     <b>A. 60,000 applications.</b></p> <p>18 <b>There's many qualified applicants that we</b></p> <p>19 <b>can only accommodate 2400 people on</b></p> <p>20 <b>campus. We have to make tough choices.</b></p> <p>21     Q. Is there just, you know, and</p> <p>22 for those who may not be familiar with</p> <p>23 these applications and applying to</p> <p>24 universities, is there a certain test</p>